

REMARKS

Claims 1-27 are pending. In accordance with the foregoing, no claims are amended, cancelled or withdrawn. New claims 28 and 29 are added, dependent on claim 1. New claim 28 is supported, for example, by Figures 5 and 6, which show the obliquely extending rack arm 32 positioning the linear rack 34 parallel to longitudinal axis 10. New claim 29 is supported, for example, by Figure 5 and paragraph 26. In the above referenced Office Action, claims 1-27 stand rejected. Applicant respectfully traverses the rejections and requests a withdrawal of all rejections as set forth below.

Claims 1-27 stand variously rejected under 35 U.S.C. 103(a) as being unpatentable over Nardeo (U.S. 6,530,897 B2) in view of Lowe (U.S. 6,709,667 B1) and/or further in view of Thompson (U.S. 5,358,478) and/or Biggs (U.S. 6,030,360). Claim 1 relates to a steerable catheter including "a rack arm including runners received by the guide track, an attachment point coupling the deflection wire to the rack arm and a linear rack engaging the pinion gear; the rack arm extending within the handle, obliquely to the longitudinal axis, from the runners to the linear rack, the attachment point being movable along a linear path that is substantially aligned with the deflection lumen." As admitted by the Examiner, Nardeo does not disclose, among other things, a guide track and a rack arm.

Lowe is relied on for teaching a rack arm, guide track and other features relating to a deployment system comprising a rack and pinion. Lowe's linear rack 37 is attached directly to sheath 14, which is a tubular structure within which a contraceptive device is disposed and expands upon proximally withdrawing sheath 14 by manipulating the linear rack. The linear rack 37 is shown extending parallel to the core shaft 18 of the handle 30. However, the Examiner defines a handle longitudinal axis extending from the pinion center to the distal opening of the handle and thus appears to interpret the linear rack 37 itself to be a rack arm extending obliquely to the handle longitudinal axis. It is unclear, however, what structures the Examiner interprets to be a guide track and runners received by a

guide track. Lowe's deployment system including linear rack 37 attached directly to sheath 14 does not appear to include a longitudinally-aligned guide track, runners received by the guide track, and an obliquely extending rack arm extending from runners received by the guide track to the linear rack. Applicant traverses the inherency of Lowe's disclosed mechanism "to push the sheath along the guide track and through the lumen". Lowe's mechanism appears to be devoid of a guide track and likewise runners received by the guide track. The sheath is directly attached to the linear rack and merely extends out of the handle. No structure corresponding to a guide track is taught, suggested, or implied and is thus not inherent in the mechanism since the mechanism is taught to be operable without a guide track.

Lowe is clearly deficient in teaching or suggesting the claimed structure as a whole, including, among other things, each of the limitations relating to a guide track in substantial alignment with the handle longitudinal axis, runners received by the guide track, and a rack arm extending obliquely to the handle longitudinal axis between a linear rack and the runners received by the guide track. None of the additionally cited references overcome these deficiencies. For at least this reason, Applicant respectfully asserts the claimed structure, as a whole, is distinguishable over the prior art and the rejections should be withdrawn.

Additionally, as set forth in new claim 28, the obliquely-extending rack arm positioning the linear rack parallel to the handle longitudinal axis is not taught by the prior art. Claim 28, being dependent on claim 1 which is deemed allowable as set forth above, is thus also allowable.

New claim 29, dependent on claim 28 is also allowable. The prior art does not teach a guide track comprising a pair of track sides formed along a distal handle segment.

Applicant asserts that the remarks presented herein are fully responsive to the Office Action and are sufficient to overcome the rejections presented in the Office Action. However, there may be other arguments to be made as to why the

pending claims are patentable. Applicant does not concede any such arguments by having not presented them herein. Applicant respectfully asserts that the present claims are in condition for allowance. Withdrawal of the instant rejections and issuance of a Notice of Allowance is respectfully requested.

Please grant any extension of time, if necessary for entry of this paper, and charge any fee due for such extension or any other fee required in connection with this paper to Deposit Account No. 13-2546.

Respectfully submitted,

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Date

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